

REMARKS

The present amendment is submitted in response to the final Office Action dated February 12, 2008, which set a three-month period for response, making this amendment due by May 12, 2008.

Claims 1-12 are pending in this application.

In the final Office Action, the Examiner noted functional intended use limitations in the preamble of claim 1, which were not taken in combination with the positively recited structure in the body of the claim. Claims 1-12 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-13 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-10 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,401,282 to Zagorski. Claims 1, 11, and 12 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,237,871 to Henderson.

In the present amendment, the preamble of claim 1 has been amended to delete the functional intended use. This language is now positively recited at the end of claim 1 by reciting that the *“connecting device is configured to mechanically connect the motor housing of a motor to the transmission housing of a transmission”*.

The phrase “configured to connect” is not unduly broad to include “any and all configurations”, as the Examiner states on page 3 of the Office Action. Rather, the phrase “configured to...” is commonly utilized in claim language to convey a structural feature that is further limited by the dependent claims or by

the language of the specification. As such, such language is not inherently indefinite.

Claim 1 was further amended to address the various issues raised with regard to arguably indefinite language in the previously amended claims, as set forth on pages 3-5 of the final rejection. The claims as amended are believed to address each of the items set forth in the rejection under Section 112, second paragraph.

With regard to the objection to the term “the axis” (line 3 of claim 2; and line 3 of claim 3) as lacking antecedent basis, the Applicants note that “the axis (25)” is positively recited in its first instance in claim 1, from which both claims 2 and 3 depend. Therefore, proper antecedent basis is indeed provided.

Regarding the Examiner's objection to the use of the term “thin” in claim 1 regarding the dimensions of the at least one connecting element, claim 1 was amended to clarify that width dimension in the Y direction is smaller than the axial and radial dimensions X, Z, as disclosed in the specification and as shown in Figs. 1 and 2.

Looking next at the substantive rejection of the claims, the above amendments to claim 1 also distinguish the invention over the cited reference to Zagorski. In Zagorski, the “connecting element 14” (bracket section 14 and 16) clearly is much thinner in the radial direction than in the X and Y directions (corresponding to direction Z of Figs. 1 and 2 of the present application). The radial dimension in Zagorski in Fig. 2 is represented as the wall thickness of the “bracket 16” The “radial direction Z” means here beginning in the center point of

the armature shaft and going radially outward in Fig. 2. It is clear that the rotor 84 and the magnets 40 are not components of the "bracket 32", and therefore, only the wall thickness of the "bracket 16" can be viewed as the radial dimension.

The sectional view of Fig. 2 likewise shows that the circumference direction (corresponding to the Y direction of the figures of the present application), for example, extend approximately over an angle range of 90° to 180°, if necessary forming a much longer circumference line than the thickness (wall thickness of the bracket 16). Likewise, the axial dimension of the bracket 16 (corresponding to the X direction of the figures of the present application) according to Zagorski's Fig. 1 is much longer than the wall thickness, as can be seen from Fig. 2.

Thus, the connecting element in Zagorski is in no way thinner in the circumference direction (Y) than in the radial dimension (Z) or the axial dimension (X).

Indeed, the same arguments apply with regard to the Henderson reference, in which the connecting sleeve 32 in the radial direction (Z) also is formed to be much smaller than in the axial and circumference directions (X, Y).

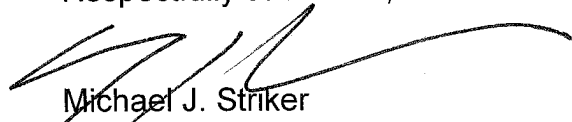
Neither of the cited references discloses all of the features of amended claim 1. Therefore, the rejections under Section 102 must be withdrawn. MPEP section 2131 states that "a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference", and that "the identical invention must be shown in as complete detail as is contained in the ... claim".

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984).

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Striker', with a long horizontal flourish extending to the right.

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